

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

LATTHEN CHANCE DOUGLAS                    §  
VS.    §                    CIVIL ACTION NO. 1:20-cv-186  
PEDRO BOYKIN                                   §

REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE

Latthen Chance Douglas, proceeding *pro se*, filed this civil rights lawsuit against Pedro Boykin. Plaintiff alleges Defendant used excessive force against him.<sup>1</sup>

This matter was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Plaintiff alleges that Defendant used excessive force against him on November 27, 2017. Plaintiff previously filed a complaint regarding the same claim. That lawsuit has been assigned civil action number 1:19cv306. As this matter is repetitious of civil action number 1:19cv306, it should be dismissed without prejudice.

Recommendation

This lawsuit should be dismissed without prejudice as repetitious.

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<sup>1</sup> Plaintiff also asserted Defendant filed a false disciplinary charge and retaliated against him. An Order (doc. #27) has been entered severing those claims into a separate lawsuit. The new lawsuit was assigned civil action number 1:23cv274.

Objections

Objections must be (1) specific, (2) in writing, and (3) served and filed within 14 days after being served with a copy of this report. 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 6(a), 6(b) and 72(b).

A party's failure to object bars that party from (1) entitlement to *de novo* review by a district judge of proposed findings and recommendations, *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of unobjected-to factual findings and legal conclusions accepted by the district court, *Douglass v. United Serv. Auto. Ass'n.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

**SIGNED this the 20th day of July, 2023.**

A handwritten signature in black ink, appearing to read 'C. L. Stetson', written over a horizontal line.

Christine L Stetson  
UNITED STATES MAGISTRATE JUDGE